

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MERCK SHARP & DOHME CORP.	:	CIVIL ACTION
	:	
v.	:	No. 19-2011
	:	
PFIZER INC. and WENDY J. WATSON	:	

ORDER

AND NOW, this 28th day of June, 2021, upon consideration of Plaintiff Merck Sharp & Dohme Corp.'s Motion to Compel Discovery From Defendant Pfizer Inc., Pfizer's opposition, Defendants' Motion to Compel Discovery, Merck's opposition, after several teleconferences with the parties on the discovery disputes, and for the reasons stated in the accompanying Memorandum, it is ORDERED:

- Merck's Motion (Document 111) is GRANTED in part and DENIED in part as follows:
 - Merck's request to compel Pfizer to further respond to Merck Interrogatory Nos. 1–3 and 11 and Merck Requests for Production Nos. 6–22, 25–27, 45, and 48–53 is DENIED.
 - Merck's request to strike Pfizer's global objection—which states Merck is only entitled to discovery as to trade secrets shown to appear within a limited set of materials found on Pfizer's systems—is GRANTED.
- Defendants' Motion (Document 160) is GRANTED in part and DENIED in part as follows:
 - Defendants' request to compel Merck to further respond to Pfizer Interrogatory No. 1 is GRANTED insofar as Merck is directed to specifically identify trade secret numbers 128–133 and 135–145 or else withdraw those trade secrets from the case.

- Defendants' request to compel Merck to further respond to Pfizer Interrogatory No. 1 is GRANTED insofar as Merck is directed to more specifically explain why and how each of trade secret numbers 1–134 is not in the public domain.
- Defendants' request to compel Merck to further respond to Pfizer Interrogatory No. 1 by identifying—for trade secret numbers 1–134—the person who developed each trade secret and the date of development is DENIED.
- Defendants' request to compel Merck to further respond to Pfizer Request for Admission Nos. 1–75, 77–111, 113–119, 121–175, 177–209, and 214–320 is DENIED.
- Defendants' request to compel Merck to further respond to Pfizer Interrogatory No. 7 is GRANTED insofar as Merck is directed to identify the independent economic value of each of trade secret numbers 1–134.
- Defendants' request to compel Merck to produce a witness to testify on Pfizer Rule 30(b)(6) Topic Nos. 10 and 13 is DENIED.
- Defendants' request to compel Merck to further respond to Pfizer Interrogatory Nos. 15 and 18 and Dr. Watson's Interrogatory No. 9 is DENIED.
- Defendants' request to compel Merck to produce a witness on Pfizer Rule 30(b)(6) Topic No. 1 is GRANTED insofar as Merck is directed to produce a witness on nonprivileged but otherwise discoverable information related to Merck's pre-suit investigation of Dr. Watson and her allegedly unlawful activities.
- Defendants' request to compel Merck to produce a witness on Pfizer Rule 30(b)(6) Topic No. 2 is GRANTED insofar as Merck is directed to produce a witness on Merck's nonprivileged and otherwise discoverable policies and practices for monitoring patents and patent applications.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.